

REMARKS

The application has been carefully reviewed in light of the Office Action dated August 25, 2005. Claims 42 and 44 to 50 are in the application, with Claims 42, 49, and 50 being independent. Claims 42, 49, and 50 have been amended herein. Reconsideration and further examination are respectfully requested.

Claims 42, 44 to 48, and 50 were rejected for obviousness-type double patenting over Claims 1 to 53 of U.S. Patent No. 6,649,824 (Den) in view of U.S. Patent No. 4,190,950 (Skotheim). Claim 49 was rejected for obviousness-type double patenting over Claims 1 to 53 of Den in view of Skotheim, and further in view of U.S. Patent No. 3,925,212 (Tchernev) and U.S. Patent No. 5,346,785 (Akuto). The rejections are respectfully traversed.

Claims 42, 49, and 50 recite, *inter alia*, (a) the light absorption region is a semiconductor, in combination with (b) a first charge transfer region for accepting electrons from the light absorption region and (c) a second charge transfer region for donating electrons to the light absorption region.

Claims 1 to 52 of Den, Skotheim, Akuto, and Tchernev are not seen to teach or suggest at least the foregoing combination of features.

Relying on Skotheim, the Office Action states that it would have been obvious to prepare the device claimed in Den as a stacked device in which the semiconductor acicular crystal layer of a middle cell would act as a light absorption region.

However, Applicants submit that in such a stacked device, there are no regions corresponding to the first and second charge transfer regions of the present

invention. Specifically, it is Applicants' understanding that the charge transfer regions in the top and bottom cells of the stacked device would not accept electrons from or donate electrons to the semiconductor layer in the middle cell. In this regard, in Skotheim's stacked structure, the respective cells are isolated via insulating layers from each other. See col. 4, lines 28 to 40 of Skotheim.

Claims 42, 44 to 48, and 50 also received a provisional rejection for obviousness-type double patenting over Claims 11 and 12 of Application No. 10/959,177 in view of Skotheim, which rejection is respectfully traversed.

Applicants note that a provisional double patenting rejection should be withdrawn and the application permitted to issue if the provisional double patenting rejection is the only rejection remaining in an application. See MPEP § 804(I)(B). Applicants submit that the provisional double patenting rejection is the only remaining issue in this application and therefore respectfully request withdrawal of the rejection.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from the independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicants submit that the application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



Damond E. Vadnais
Attorney for Applicants
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

CA_MAIN 104031v1